

**IN THE HIGH COURT OF JUDIATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.9758 OF 2004**

Atmaram Balu Vadar .. Petitioner.  
Vs.  
Ashok Raghunath Koravi .. Respondent.

Mr.T.S.Ingale for the petitioner.

**CORAM : D.B.BHOSALE, J.**

**DATED : 15TH DECEMBER, 2004**

P.C.:

. Heard Mr.Ingale, learned counsel for the petitioner.

2. This petition is directed against the concurrent findings recorded by the courts below in the application Exhibit-5 filed by the petitioner-plaintiff. That application was filed seeking injunction restraining the respondent-defendant from disturbing the petitioner's peaceful possession and raising any construction thereon. From perusal of the order impugned, it is clear that neither the petitioner nor the respondent is owner of the suit property. The courts below have recorded a categoric finding that the respondent is constructing in his own

property and not in the disputed plot. Keeping that in view and considering that there are concurrent findings recorded by the courts below and as I find that there is sufficient material on record to sustain those findings and considering extremely limited jurisdiction of this court under Article 227 of the Constitution of India to disturb the finding of fact this writ petition cannot be entertained. The writ petition, therefore, fails and is dismissed as such. The hearing of the suit is expedited.

**(D.B.Bhosale, J.)**